



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/410,853	10/01/1999	JERRY ALTEN	UV-137-CONT.	7565

7590 08/09/2007
Joseph M Guiliano
Fish & Neave IP Group Roper & Gray LLP
1251 Avenue of the Americas
New York, NY 10020

EXAMINER

SHANG, ANNAN Q

ART UNIT	PAPER NUMBER
----------	--------------

2623

MAIL DATE	DELIVERY MODE
-----------	---------------

08/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/410,853

Applicant(s)

ALTEN ET AL.

Examiner

Annan Q. Shang

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-7,13-20,26-33,39-45,47 and 52-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,13-20,26-33,39-45,47 and 52-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 2, 4-7, 13-15, 17-20, 26-28, 30-33, 39-45, 47 and 52-59 have been considered but are moot in view of the new ground(s) of rejection.

With respect to claims 1, 4-5, 13-14, 17-18, 2, 26-27, 30-31, 39-40, 42-43 and 46-47, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Young et al (4,706,121)** in view of **Richards et al (5,179,654)**, and claims 2, 6-7, 15, 19-20, 28, 32-33, 41 and 44-45 rejected under 35 U.S.C. 103(a) as being unpatentable over **Young** in view of **Richards**, and further in view of **Palmer et al (6,320,588)**, applicant recites the claimed invention and the prior arts of record and further argues that the prior arts of record do not teach claims limitations, i.e., "...tracking and storing the current operating mode of the electronic program guide as the user operates the television program guide...and where the help information provided is based on the stored current operating mode..." and further argues that the combination is not proper and that Examiner has not established a *prima facie* case of obviousness (see page 6+ of Applicant's Remarks).

In response, Examiner disagrees. Examiner notes applicant's argument, however the amended claims do not overcome the prior arts of records. Young teaches receiving a user input, via Remote Receiver (RR) 118 or 190 receives via Remote Control Transmitters (RC) 116 or 118, where a user selects a key PG 224 "help information key" on RC 116 or 118 to receive help information for the television program

Art Unit: 2623

guide 'EPG' or television Menu (col. 9, line 54 and col. 12, lines 30-44) that explains to the user how the electronic television program guide operates, displaying the help information at the bottom of the screen of Television Receiver (TV) 126 or 200. Young fails to explicitly teach tracking and storing a current operating mode of the electronic program guide as the user operates the electronic television program guide and providing help information based on the stored current operating mode, however this deficiency in Young is disclosed in Richard's reference, which teaches a menu system which provides help information, that appear through pop-up windows, at various operating mode of the menu, where a user navigates through menus and Microprocessor 10, tracks and stores the current operating mode of the menu as the user operates the menu and provides help information based on the stored current operating mode of the menu (see col.1, line 61-col.2, line 61, col.3, line 1-col.4, line 33 and figs. 1-4, col.5, lines 8-25, line 46-col.6, line 9, col.7, lines 7-47 and line 47-col.8, line 1+). Furthermore figures 5-8, illustrates a display menu where a user via an input device interacts with the displayed menu or listing and upon request receives help information at the specific location or current state of the point in the menu, concurrently with the information related to the task(s).

With respect to Applicant arguments as to obviousness, Examiner, maintains that, the test for obviousness is not whether the features of a secondary reference may be bodily incorporate into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all the references. Rather, the test is what the combined teachings of the references would have suggested to

those of ordinary skill in the art. In this case Young teaches where a user via Remote Control Transmitters (RC) 116 or 118, selects a key PG 224 "help information key" to receive help information for the television program guide 'EPG' or television Menu, that explains to the user how the electronic television program guide operates, displaying the help information at the bottom of the screen of Television Receiver (TV) 126 or 200. Young silent to explicitly teach tracking and storing a current operating mode of the electronic program guide as the user operates the electronic television program guide and providing help information based on the stored current operating mode, however in the same field of endeavor, i.e., a display System for processing and displaying electronic menu, listing, guide, etc., this deficiency in Young is disclosed in Richard's reference, which teaches a menu system which provides help information, that appear through pop-up windows, at various operating mode of the menu, where a user navigates through menus, where a Microprocessor 10, tracks and stores the current operating mode of the menu as the user operates the menu and provides help information based on the stored current operating mode of the menu, as such combining the teaching of Young and Richards would be within the knowledge of one of ordinary skill in the art, and appropriate motivation was given as discussed below in the office action.

Furthermore it appears Applicant's arguments are directed against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. **See *In re***

the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. In this case

Young teaches where a user via Remote Control Transmitters (RC) 116 or 118, selects a key PG 224 "help information key" to receive help information for the television program guide 'EPG' or television Menu, that explains to the user how the electronic television program guide operates, displaying the help information at the bottom of the screen of Television Receiver (TV) 126 or 200. Young silent to explicitly teach tracking and storing a current operating mode of the electronic program guide as the user operates the electronic television program guide and providing help information based on the stored current operating mode, however in the same field of endeavor, i.e., a display System for processing and displaying electronic menu, listing, guide, etc., this deficiency in Young is disclosed in Richard's reference, which teaches a menu system which provides help information, that appear through pop-up windows, at various operating mode of the menu, where a user navigates through menus, where a Microprocessor 10, tracks and stores the current operating mode of the menu as the user operates the menu and provides help information based on the stored current operating mode of the menu, as such combining the teaching of Young and Richards would be within the knowledge of one of ordinary skill in the art, and appropriate motivation was given as discussed below in the office action.

Furthermore it appears Applicant's arguments are directed against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. **See *In re***

Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In view of the above, the combination of Young and Richards is proper and maintained as repeated below. **This Office Action is made FINAL.**

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4, 5, 13, 14, 17, 18, 26, 27, 30, 31, 39, 40, 42, 43, 46 and 47 and 52-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Young et al (4,706,121)** in view of **Richards et al (5,179,654)**.

As to claim 1, note the **Young** reference figures 1-3, discloses a TV schedule or EPG system and process which allows a user selection of broadcast programs from schedule information and further discloses a method for providing help information that explains to a user of an electronic television program guide how the electronic television program guide operates, the method comprises the following:

the claimed "receiving a user input and providing help information that explains to the user how the electronic television program guide operates..." is met by Remote Receiver (RR) 118 or 190 (figs. 3-5, col. 7, lines 33-57 and col. 9, line 48-col. 10, line 10), note that RR 118 or 190 receives via Remote Control Transmitters (RC) 116 or

Art Unit: 2623

118, user inputs where if the user selects key PG 224 "help information key" on RC 116 or 118, help information (col. 9, line 54 and col. 12, lines 30-44) that explains to the user how the electronic television program guide (EPG) operates is displayed at the bottom of the screen of Television Receiver (TV) 126 or 200.

Young fails to explicitly teach tracking and storing a current operating mode of the electronic program guide as the user operates the electronic program guide and providing help information based on the stored current operating mode.

However, **Richards** teaches a menu system which provides help information, that appear through pop-up windows, at various operating mode of the menu and the system tracks and stores the current operating mode of the menu as the user operates the menu and provides help information based on the stored current operating mode of the menu and where the stored current operating mode of the menu comprises data reflecting the current operating mode (figs. 1-4, col.1, line 61-col.2, line 61, col.3, line 1-col.4, line 33, col.5, lines 8-25, line 46-col.6, line 9, col.7, lines 7-47 and line 47-col.8, line 1+), note that the user navigates through menus and Microprocessor 10, tracks and stores each menu and also items within each menu to dynamically provide different levels of help information based on the mode of operation of a menu.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Richards into the system of Young to dynamically generate help text or instruction and display help text on each selected tile, item or grid of the EPG data, and furthermore enable interaction with each selected tiles

or grid of the EPG data for additional information, help or instructions relating to the selected tile or grid of the EPG data.

As to claim 4, Young further discloses where RC 116 or 118 generates the user input in response to the user depressing PG 224 "help information key" on RC 116 or 118 (col. 9, line 54 and col. 12, lines 30-44), to displayed help information at the bottom of the screen of TV 126 or 200.

As to claim 5, Young further discloses displaying a text message (col. 12, lines 30-58), which explains to the user how a portion of the EPG operates.

As to claim 13, Young further discloses storing the help information in memory and retrieving the help information from the memory in response to receiving the user input (col. 7, lines 47-64, col. 8, lines 32-44 and col. 12, lines 64-68).

As to claim 14, note the **Young** reference figures 1-3, discloses a TV schedule system and process which allows a user selection of broadcast programs from schedule information and further discloses a method for providing help information that explains to a user of an electronic television program guide how the electronic television program guide operates, the system comprises the following:

the claimed "means for receiving a user input and means for providing help information that explains to the user how the electronic television program guide operates..." is met by Remote Receiver (RR) 118 or 190 (figs. 3-5, col. 7, lines 33-57 and col. 9, line 48-col. 10, line 10), note that RR 118 or 190 receives via Remote Control Transmitters (RC) 116 or 118, user inputs, where if the user selects key PG 224 "help information key" on RC 116 or 118, help information (col. 9, line 54 and col. 12,

Art Unit: 2623

lines 30-44), that explains to the user how the electronic television program guide operates is displayed at the bottom of the screen of Television Receiver (TV) 126 or 200.

Young fails to explicitly teach tracking and storing a current operating mode of the electronic program guide as the user operates the electronic program guide and providing help information based on the stored current operating mode.

However, **Richards** teaches a menu system which provides help information, that appear through pop-up windows, at various operating mode of the menu and the system tracks and stores the current operating mode of the menu as the user operates the menu and provides help information based on the stored current operating mode of the menu and where the stored current operating mode of the menu comprises data reflecting the current operating mode (figs. 1-4, col.1, line 61-col.2, line 61, col.3, line 1-col.4, line 33, col.5, lines 8-25, line 46-col.6, line 9, col.7, lines 7-47 and line 47-col.8, line 1+), note that the user navigates through menus and Microprocessor 10, tracks and stores each menu and also items within each menu to dynamically provide different levels of help information based on the mode of operation of a menu.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Richards into the system of Young to dynamically generate help text or instruction and display help text on each selected tile, item or grid of the EPG data, and furthermore enable interaction with each selected tiles or grid of the EPG data for additional information, help or instructions relating to the selected tile or grid of the EPG data.

Art Unit: 2623

Claim 17, is met as previously discussed with respect claim 4.

Claim 18, is met as previously discussed with respect claim 5.

Claim 26, is met as previously discussed with respect claim 13.

As to claim 27, note the **Young** reference figures 1-3, discloses a TV schedule system and process which allows a user selection of broadcast programs from schedule information and further discloses an electronic television program guide system that provides help information for explaining to a user of an electronic television program guide how the electronic television program guide operates, the system comprises the following:

the claimed "a video display generator," is met by Video Display Generator (VDG) 204 (col. 8, lines 48-62);

the claimed "a remote controller," is met by Remote Control Transmitters (RC) 116 or 118 (col. 7, lines 33-57 and col. 9, lines 48-52);

the claimed "a microcontroller," is met by CPU 178 (col. 8, lines 35-62); and electronic television program guide (EPG) executed by CPU 178 and programmed to receiver a user input via Remote Control Transmitters (RC) 116 or 118 and Remote Receiver (RR) 118 or 190 (figs. 3-5, col. 7, lines 33-57 and col. 9, line 48-col. 10, line 10), and provides help information at the bottom of the screen of Television Receiver (TV) 126 or 200 that explains to the user how the EPG operates to the VDG 204 in response to receiving the user input, i.e., when the user presses PG 224 "help information key" on RC 166 or 118.

Young fails to explicitly teach tracking and storing a current operating mode of the electronic program guide as the user operates the electronic program guide and providing help information based on the stored current operating mode.

However, **Richards** teaches a menu system which provides help information, that appear through pop-up windows, at various operating mode of the menu and the system tracks and stores the current operating mode of the menu as the user operates the menu and provides help information based on the stored current operating mode of the menu and where the stored current operating mode of the menu comprises data reflecting the current operating mode (figs. 1-4, col.1, line 61-col.2, line 61, col.3, line 1-col.4, line 33, col.5, lines 8-25, line 46-col.6, line 9, col.7, lines 7-47 and line 47-col.8, line 1+), note that the user navigates through menus and Microprocessor 10, tracks and stores each menu and also items within each menu to dynamically provide different levels of help information based on the mode of operation of a menu.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Richards into the system of Young to dynamically generate help text or instruction and display help text on each selected tile, item or grid of the EPG data, and furthermore enable interaction with each selected tiles or grid of the EPG data for additional information, help or instructions relating to the selected tile or grid of the EPG data.

Claim 30, is met as previously discussed with respect claim 4.

Claim 31, is met as previously discussed with respect claim 5.

Claim 39, is met as previously discussed with respect claim 13.

Art Unit: 2623

As to claim 40, note the **Young** reference figures 1-3, discloses a TV schedule system and process which allows a user selection of broadcast programs from schedule information and further discloses machine-readable media for use with an electronic television program guide, the machine-readable media comprising program logic recorded there for the following:

the claimed "receiving a user input and providing help information that explains to the user how the electronic television program guide operates..." is met by Remote Receiver (RR) 118 or 190 (figs. 3-5, col. 7, lines 33-57 and col. 9, line 48-col. 10, line 10), note that RR 118 or 190 receives via Remote Control Transmitters (RC) 116 or 118, user inputs where if the user selects key PG 224 "help information key" on RC 116 or 118, help information (col. 9, line 54 and col. 12, lines 30-44) that explains to the user how the electronic television program guide operates is displayed at the bottom of the screen of Television Receiver (TV) 126 or 200.

Young fails to explicitly teach tracking and storing a current operating mode of the electronic program guide as the user operates the electronic program guide and providing help information based on the stored current operating mode.

However, **Richards** teaches a menu system which provides help information, that appear through pop-up windows, at various operating mode of the menu and the system tracks and stores the current operating mode of the menu as the user operates the menu and provides help information based on the stored current operating mode of the menu and where the stored current operating mode of the menu comprises data reflecting the current operating mode (figs. 1-4, col.1, line 61-col.2, line 61, col.3, line 1-

Art Unit: 2623

col.4, line 33, col.5, lines 8-25, line 46-col.6, line 9, col.7, lines 7-47 and line 47-col.8, line 1+), note that the user navigates through menus and Microprocessor 10, tracks and stores each menu and also items within each menu to dynamically provide different levels of help information based on the mode of operation of a menu.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Richards into the system of Young to dynamically generate help text or instruction and display help text on each selected tile, item or grid of the EPG data, and furthermore enable interaction with each selected tiles or grid of the EPG data for additional information, help or instructions relating to the selected tile or grid of the EPG data.

Claim 42, is met as previously discussed with respect claim 4.

Claim 43, is met as previously discussed with respect claim 5.

Claim 47, is met as previously discussed with respect claim 13.

Claim 52, is met as previously discussed with respect claim 1, note the current operating mode is a menu as disclosed in Richards.

Claim 53, is met as previously discussed with respect claim 14,

Claim 54, is met as previously discussed with respect claim 27,

Claim 55, is met as previously discussed with respect claim 40.

Claim 56, is met as previously discussed with respect claim 1,

Claim 57, is met as previously discussed with respect claim 14,

Claim 58, is met as previously discussed with respect claim 27.

Claim 59, is met as previously discussed with respect claim 40.

4. Claims 2, 6, 7, 15, 19, 20, 28, 32, 33, 41, 44 and 45, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Young (4,706,121)** in view of **Richards et al (5,179,654)** as applied to claims 1, 14, 27 and 40 above, and further in view of **Palmer et al (6,320,588)**.

As to claims 2, 15, 28 and 41, Young as modified by Richards displays a help menu at the bottom of the screen upon receiving a user selection, but fail to explicitly teach displaying a help icon.

However, **Palmer** teaches displaying a help icon on a menu (fig. 23 and col. 19, lines 31-39).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Palmer into the system of Young as modified by Richards to provide a help icon as a visual mnemonics on the screen for a user-friendly GUI that allows the user to control without having to remember a command or input at a remote control or keyboard.

As to claims 6, 7, 19, 20, 32, 33, 44 and 45, Young as modified by Richards fails to explicitly teach where the help information comprises displaying an instructional video or audio that explains to the user how a portion of the EPG operates.

However, Palmer further teaches a menu system, with audio/visual help instruction, which explains how a portion of the menu operates (figs. 23-25, col. 17, line 64-col. 18, line 2, col. 19, lines 31-39 and col. 22, line 63-col. 23, line 1+), note that the help instruction offers the user three levels comprehensive textual, audio and visual system documentation (col. 23, lines 30-39).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Palmer into the system of Young as modified by Richards to provide help instructional audio and/or video to enhanced the EPG data and furthermore, video instructional help to enable the hearing impaired to get help using video help instructions on a display and also audio instructional help, to enable the blind get audio help instructions.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA)** or **571-272-1000**.

A handwritten signature in black ink, appearing to read 'Annan Q. Shang', with a stylized flourish at the end.

Annan Q. Shang